(II)

"In accordance with the provisions of rule 120 of the Rules of Procedure and Conduct of Business in the Lok Sabha, I am directed to inform you that the Lok Sabha, at its sitting held on the 15th December, 2003, agreed without any amendment to the Railway Protection Force (Amendment) Bill, 2003, which was passed by the Rajya Sabha at its sitting held on the 10th December, 2003.

Sir, I lay a copy of the Constitution (Ninety-Seventh Amendment) Bill, 2003 on the Table.

STATUTORY RESOLUTION DISAPPROVING THE DELIMITATION (AMENDMENT) ORDINANCE, 2003 (NO.6 OF 2003)

AND

THE DELIMITATION (AMENDMENT) BILL, 2003 -- Contd.

SHRI C. APOK JAMIR (Nagaland): Sir, while supporting the Delimitation (Amendment) Bill, 2003, I would like to point out certain facts about Nagaland. Sir, as we all know, Nagaland is a very complex State; we have 17 major tribes with distinct cultures and languages. Therefore, it is very pertinent that the sensitivity and cultural background of the tribes should be taken into consideration when delimitation takes place. Initially, we did not have any provision to have a nominee, but I think this has been rectified; the Governor is now allowed to choose a nominee for the State Election Commission. Sir, in the past, when this amendment was considered, we had experienced a lot of hue and cry and there were a lot of agitations, specially in Nagaland, because it was an exercise which was conducted unofficially. It had created a lot of emotional upheaval among many tribes, more so since it comprised of various Assembly segments, which were being carved out by including certain pockets or villages or areas which had no affinity. So, these are sensitive areas, which need to be taken into consideration. And I appeal that this should be taken into consideration very seriously. Right from the beginning, we know that, in view of the political expediency, the State had come into existence as the 16th State of India. During that time our population was very meagre, a mere 3.5 lakhs, and today, in 2003, it is 20 lakhs. So, there is a vast

difference between the population which was there at that time and which is there today. If we compare our population growth and our representation in comparison to some of the Union Territories, which have come into existence as States at a later stage like the States of Manipur, Mizoram and Arunachal Pradesh, then, I think, the demand which the State Government has earlier made, that we should have two parliamentary constituencies and 80 Assembly constituencies, which were 60 earlier, is a valid demand. We want the Government to consider these demands seriously. We know that delimitation has been freezed till 2026. Nevertheless, these are the aspects, which need to be considered seriously. Since it is a very, very sensitive issue, we hope that you will ponder over this matter seriously. The State Government has also presented a memorandum earlier to the Election Commission stating that parliamentary constituencies of the State of Nagaland should be considered as tribal constituencies. Now, it is a very logical claim because the State of Nagland comprises of tribals alone. We can say that almost 85 to 95 per cent of the people are tribals and the rest are those who have come from outside. So, in order to protect their rights and the identity of the population, I think it is very pertinent that we should keep in view the future consequences, which we may have, face, maybe, ten to twenty years hence. Therefore, in order to protect the rights of tribals in the State, it is very pertinent that the Central Government should, at least, think of declaring the State of Nagaland as a tribal State. It is not only the State of Nagaland that will be making this demand, but many of the other States having tribes in the North-East will also be making the same demand.

That was one of the main things, which I wanted to pose before you, Sir. Besides that, I have nothing much to say. But I would like the Government to consider seriously the points, which I have emphasised, keeping in view the sentiments of the people of Nagaland as a whole.

With these few words, Sir, I conclude.

SHRI P.C. THOMAS: Sir, I thank all the Members who have taken part in this discussion. I thank them for the valuable suggestions they have given. I also thank them for supporting the Bill on its broad aspects. I would just say that this Bill has been necessitated, as has already been said, due to the new Census which is almost going to be published. The sentiments of all were taken. That was the consideration for coming to a view that this amendment has to come at the earliest. One of the points raised here was

that it should be linked with population. This was the matter which was considered broadly even during the debate on the Constitution amendment and the Bill itself. But, I feel that taking into consideration all these matters, the territorial jurisdiction alone is the matter which could be decided at this stage. For broader aspects, say, for making the number more, of course, different Constitution amendments are necessary. We are not in a position, at this stage, to accommodate further on the basis of population, as such. But, it is a fact, as has been stated by many hon. Members, that in some of the constituencies, basing on the districts, more constituencies in the Assembly segments or in the Parliament segments are going to come. This is a matter which was very seriously dealt with even in the Delimitation Commission itself when the discussion had come. But, of course, we are limited by the constitutional amendment and also by the Act. I think, these are matters which have to be considered at a further stage, when we have to consider to amend the Constitution further, and also to see as to the question of increasing the number or the question of giving more representation, I think, all these aspects are to be considered at that stage.

It was also said that the State Governments who have taken due measures to see that the population control is successfully dealt with, they are going to be at a disadvantage. I think, this is also a matter which has been broadly discussed. I would think that basing on the broad criterion which have been given, that is the only way in which the Delimitation Commission can also decide. But, of course, the criterion of population was decided while considering the Delimitation Act of 2002 and the same is not being amended at the present time. Therefore, I am not going to deal with that further. Of course, I think this is a very serious aspect which has been spoken to by many of the hon. Members, and it has to be seriously considered at a later stage.

Now, as far as the powers of the Delimitation Commission and also the powers of the public and the powers of the people to give suggestions are concerned, there are avenues and there are opportunities for that. After finalising the draft Delimitation proposal, after discussing with the associate Members also, of course, the Members of Parliament and other representatives are there as associate Members, though they did not have a voting power, they can give suggestions and they are to be heard. Thereafter, the same have to be published in the local newspapers and public sittings are also to be made. In the hearing, of course, the views of

the people are taken into account in a wider manner. After taking into consideration all the above views only, a final Delimitation order will be notified.

As far as the date of finalising it is concerned, an apprehension was posed by many Members as to whether the Census data will be available within a particular date.

Of course, the Registrar General of India, with regard to the Census, is on this process, and all the data are to be given are being given to them, or, they have already been given. The Registrar General has informed that barring 2-3 States, the Census will be published by 31.12.2003. The draft data has been made available by the Registrar General of India to the Delimitation Commission. The three States are Manipur, Uttar Pradesh and Nagaland. I think, it may be possible or may not be possible, and, therefore, it may not be possible, at this stage, for me, to say that it would be positively done before 31st December, this year. But I understand that very fast steps are being taken in this regard and due care is being taken to publish it at the earliest.

As far as some other points which were mooted are concerned, I think, the Members have given very valuable suggestions which are to be considered in a larger perspective. Though they may not be possible to consider many of them at this stage, especially the views expressed by some Members with regard to the process of election, the process of electoral rolls, the difficulty with regard to members whose names are being arbitrarily removed, sometimes without due notice to the particular member, are the aspects which are very serious in nature, which are also to be considered. I think, the electoral reforms is a process of continuous nature, which we are taking up at each stage. Different meetings have been held with all political parties and so many suggestions have come. I think, this process will continue. All the suggestions which have been made, especially in regard to the reforms will be more seriously considered by the Government.

In fact, some of the suggestions were made in regard to the reservation for women. I think, this is a matter which is very seriously considered. A Bill was brought, but due to various reasons known to all of us, sometime is being taken. But the Government is earnestly trying to see

that the reservation for women is brought forward for implementation at the earliest.

With regard to the views expressed by some of the Members on tribal areas, I have been told that these will also be considered at the stage of the main Act itself. Of course, taking into consideration those aspects also, this delimitation law was framed. Now we are bound by the Constitution and by the law.

As far as the sentiments are concerned, I think, these are very important views which are to be taken by the Delimitation Commission at the stage of preparation, as well as while taking decisions in this regard. There are other aspects which have been stated in this regard, for which, of course, a new thought has to be given. I think, serious thought will be given to those aspects. I am very thankful to the Members for giving broad suggestions with regard to various aspects concerning elections, concerning the reforms process.

SHRI VAYALAR RAVI: Sir, before concluding, I don't know if the hon. Minister can give commitment to this House. It is a very serious issue that we raised. Different States, especially my State, we are afraid that you may reduce one or two seats in the Parliament.

SHRI S. VIDUTHALAI VIRUMBI: Seats are not going to be reduced.

SHRI P.C. THOMAS: I think, what the hon. Member was trying to say is not that seats will be reduced, but some times, a particular seat will be gone. He has been referring to my seat also. It is a fact.

As far as Kerala is concerned, I know that fact very well. When the seats are goint to be decided on the basis of this, in the northern area where the population is more, the number of seats will be increased.

Whereas towards South of Kerala where the population is not as much as in the North, this is one important factor which is being discussed. I think, at this stage, I am not in a position to commit anything on that matter because we are bound by the Constitution as well as by this Act. I think, this is a matter which will be seriously considered at other levels when these matters are going to be discussed further. Therefore, before I

conclude, I would once again thank the hon. Members and the Chair for...*(Interruptions)*...

श्री मूल चन्द मीणा (उत्तर प्रदेश) : महोदय, मैं एक बात जानना चाह रहा था कि जो डि-लिमिटेशन आप कर रहे हैं, क्या मंत्री महोदय या आपकी सरकार आने वाले चुनाव से पहले 2001 की जनसंख्या के आधार पर डि-लिमिटेशन पूरा कर लेगी?

SHRI P.C. THOMAS: This is a matter which depends on many other things....*(Interruptions)*...Of course, we do not know when the elections are going to take place. ...*(Interruptions)*...This is number one. Secondly, as has already been stated, it is a series of processes that has to continue and has to be concluded. It is for the Delimitation Commission to see how it can be done. I think, the pace in which they have been moving, it is a decision on their part or an effort on their part to see that it is done at the earliest. But when exactly that would be done and whether it would be done before elections, is a matter about which nobody can say anything at this stage.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): I shall now put the Resolution moved by Dr. Subbarami Reddy to vote. Now the question is:

> "That this House disapproves the Delimitation (Amendment) Ordinance, 2003 (No.6 of 2003) promulgated by the President on the 31st October, 2003."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): I shall now put the motion moved by Shri P.C. Thomas to vote.

The question is:

> "That the Bill to amend the Delimitation Act, 2002, as passed by Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI) : We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 6 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI P.C. THOMAS: Sir, I move:

That the Bill be passed.

The question was put and the motion was adopted.

STATEMENT BY MINISTER

Progress on action taken pursuant to the recommendations of the Joint Parliamentary Committee on Stock Market Scam

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI SHRIPAD YESSO NAIK): Mr. Vice-Chairman, Sir, I am glad to submit to the House, a progress report on the action pursuant to the JPC recommendations. The JPC had submitted its report on 19.12.2002. The Action Taken Report (ATR) was presented on 9th May, 2003, that is, well within the period of six months. As desired by the JPC, the Government will continue to submit periodic reports of action taken, at six-monthly intervals until full satisfaction of the Parliament.

The Government has greatly benefited from the JPC's deliberations and expresses its gratitude to the Committee for its wide-ranging and valuable suggestions. While certain legislative measures such as the amendment of SEBI Act, and repeal of UTI Act, have already come into effect, other proposals like the amendment to the Securities Contract (Regulations) Act for ensuring demutualisation and corporatisation of stock exchanges and amendment of the Banking Regulations Act for better regulation of Cooperative Banks are before the Parliament. The Government is also considering bringing about other legislations like the Company Law (Amendment) Bill and the Government Securities Bill, 2003.

Sir, between the last Action Taken Report and the present one, a number of measures have been taken, which include setting up of additional institutional mechanisms to keep a regular watch on the financial markets, establishment of a co-ordination mechanism with regulators and investigating agencies, reference to SEBI regarding the secondary market investment decisions of the UTI in 89 companies identified by Tarapore Committee, setting up of Serious Frauds Investigation Office, etc. While some recommendations are pending for want of legislative mandates, others can be implemented only after the current investigations or judicial